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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

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9 THEODORE STEVENS,

Case No. 3:17-cv-00476-RCJ-WGC

10 Plaintiff,

ORDER

11 v.

12 JAMES TODD RUSSELL, *et al.*,

13 Defendants.
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15 **I. DISCUSSION**

16 On November 6, 2018, the Court issued a screening order on Plaintiff's civil rights
17 complaint. (ECF No. 3). In that order, the Court dismissed Plaintiff's access to the courts
18 claim without prejudice, with leave to amend. (*Id.* at 8). The Court specifically informed
19 Plaintiff that, if he failed to file an amended complaint within 30 days, Plaintiff's action
20 would be dismissed with prejudice for failure to state a claim. (*Id.*) Plaintiff did not file a
21 timely amended complaint, and the Court therefore dismissed the action with prejudice
22 for failure to state a claim. (ECF No. 5). The Court entered judgment accordingly. (ECF
23 No. 6).

24 On February 5, 2019, Plaintiff filed a motion to vacate the judgment. (ECF No. 7).
25 A court may vacate a judgment if, under certain circumstances, there has been a mistake
26 arising from oversight or omission. Fed. R. Civ. P. 60(a). Plaintiff argues that the Court
27 made a mistake, stating: "In re to Doc 5, you might wanna read Doc 4, where I asked for
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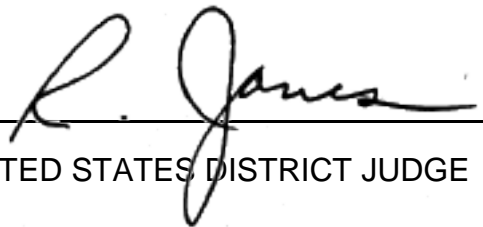
1 an ext, that was never ruled on, so yeah, vacate Doc 5, so I can file my FAC.” (ECF No.
2 7).

3 In fact, ECF No. 5 is Plaintiff’s filed original complaint. The docket reflects that
4 Plaintiff never filed a motion for an extension of time to file an amended complaint and
5 never filed an amended complaint. The Court did not make a mistake.

6 **II. CONCLUSION**

7 For the foregoing reasons, IT IS ORDERED that Plaintiff’s motion to vacate the
8 judgment (ECF No. 7) is denied.

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10 DATED THIS 2nd day of April, 2019.

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13 UNITED STATES DISTRICT JUDGE
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